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## NOTICE OF ALLOWANCE AND FEE(S) DUE

513 7590 08/08/2008

WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER

WORKU, NEGUSSIE

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/08/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,711

03/15/2004

Takao Araki

2004\_0406A

8962

TITLE OF INVENTION: IMAGE READER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/10/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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513 7590 08/08/2008

WENDEROTH, LIND & PONACK, L.L.P.  
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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,711	03/15/2004	Takao Araki	2004_0406A	8962

TITLE OF INVENTION: IMAGE READER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/10/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
WORKU, NEGUSSIE	2625	358-497000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,711	03/15/2004	Takao Araki	2004_0406A	8962
513	7590	08/08/2008	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			WORKU, NEGUSSIE	
			ART UNIT	PAPER NUMBER
			2625	
DATE MAILED: 08/08/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1013 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1013 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/799,711

Applicant(s)

ARAKI ET AL.

Examiner

NEGUSSIE WORKU

Art Unit

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/22/08.
2. ☒ The allowed claim(s) is/are 4-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>03/15/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                   | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

/Edward L. Coles/

## **DETAILED ACTION**

### ***Reasons for Allowance***

1. **The following is an examiner's statement of reasons for allowance:** In response to the office action of February 22, 2008, further in view of applicant's amendments filed on 05/22/08, the application has been carefully reviewed and respectfully considered.

Further, according to applicant's remarks based on currently amended claims 1-3 have been cancelled, claims 4-5 have been rewritten in independent form, and claims 6-11 are newly presented. Thus, claims 4-11 are currently pending in the present application. On pages 6-7 of the last Office Action, it is noted that claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Accordingly, claim 4 has been amended** to include the limitations of base claim 1 and intervening claim 2, and therefore the amended claim 4 is now in condition for allowance for the reason the prior art searched and of record neither anticipates nor suggests an image reader comprising: a document table having a platen plate which is made from a translucent member and placed in an upper surface of said document table; a document table cover supported at an upper end of said document table in a pivotal manner; a first image sensor provided in said document table; a sensor drive

mechanism for actuating said first image sensor in parallel with said platen, a document moving mechanism for causing a document to move along a document transport path formed in said document table cover; a second image sensor fixed to said document table cover so as to be situated at a position above said document transport path, wherein a track of said document which moves through said document transport path passes through a scan point, which is a focal point of said first image sensor achieved when said first image sensor is situated at a standby position, wherein a portion of said document transport path located downstream from said scan point is divided into a first path and a second path transport switching means, disposed at a location where said document transport path is divided, for switching said track of the document moving through said document transport path between said first and second paths; document thickness detection means disposed upstream of said scan point, for the thickness of said document to move through said document transport path; and control means for performing a control operation to switch for said transport switching means to said first path when the thickness of said document detected by said document thickness detection means is greater than a predetermined threshold value and to switch for said transport switching means to said second path when the thickness of said document detected by said document thickness detection means is smaller than said predetermined threshold value.

**Also, claim 5 has** been amended to include the limitations of base claim 1 and intervening claims 2-3, and therefore amended claim 5 is also allowed for the reasons

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the prior art searched and of record neither anticipates nor suggests an image reader comprising: a document table having a platen plate which is made from a translucent member and is placed in an upper surface of said document table; a document table cover supported at an upper end of said document table in a pivotable manner; a first image sensor provided in said document table; a sensor drive mechanism for actuating said first image sensor in parallel with said platen a document moving mechanism for causing a document to move along a document transport path formed in said document table cover; a second image sensor fixed to said document table cover so as to be situated at a position above said document transport path, wherein a track of the document which moves through said document transport path passes through a scan point, which is a focal point of said first image sensor achieved when said first image sensor is situated at a standby position, wherein a portion of said document transport path, located downstream from said scan point, is divided into a first path and a second path; transport switching means, disposed at a location where said document transport path is divided, for switching said track of the document moving through said document transport path between said first and second paths, wherein said first path is formed in parallel or substantially in parallel to said track of said wherein said first path is formed in parallel or substantially in parallel to said track of said document transport path at a position upstream of said scan point, and said second path is formed so as to be turned upward; document thickness detection means, disposed upstream of said scan point, for -the thickness of said document to move through said document transport path; and control means for performing a control operation to switch for

switching said transport switching means to said first path when the thickness of said document detected by said document thickness detection means is greater than a predetermined threshold value and to switch for said transport switching means to said second path when the thickness of the document detected by said document thickness detection means is smaller than said predetermined threshold value.

**Further, with respect to claim 6**, the prior art searched and of record neither anticipates nor suggests the claimed invention an image reader comprising: a document table having a platen plate which is made from a translucent member and is placed in an upper surface of said document table; a document table cover supported at an upper end of said document table in a pivotable manner; a first image sensor provided in said document table; a sensor drive mechanism for actuating said first image sensor in parallel with said platen plate; a document moving mechanism for causing a document to move along a document transport path formed in said document table cover, wherein a track of the document which moves through said document transport path passes through a scan point, which is a focal point of said first image sensor achieved when said first image sensor is situated at a standby position, wherein a portion of said document transport path located downstream from said scan point is divided into a first path and a second path; transport switching means, disposed at a location where said document transport path is divided, for switching said track of the document moving through said document transport path between said first and second paths; document thickness detection means, disposed upstream of said scan point, for detecting the thickness of the document to move through said document transport path;



and control means for performing a control operation to switch said transport switching means to said first path when the thickness of the document detected by said document thickness detection means is greater than a predetermined threshold value and to switch said transport switching means to said second path when the thickness of the document detected by said document thickness detection means is smaller than said predetermined threshold value.

**Further, regarding claim 7,** the prior art searched and of record neither anticipates nor suggests an image reader comprising: a document table having a platen plate which is made from a translucent member and is placed in an upper surface of said document table; a document table cover supported at an upper end of said document table in a pivotable manner; a first image sensor provided in said document table; a sensor drive mechanism for actuating said first image sensor in parallel with said platen plate; a document moving mechanism for causing a document to move along a document transport path formed in said document table cover, wherein a track of the document which moves through said document transport path transport switching means, disposed at a location where said document transport path divided, for switching said track of the document moving through said document transport path between said first and second paths, wherein said first path is formed in parallel or substantially in parallel to said track of said document transport path at a position upstream of said scan point, and said second path is formed so as to be turned upward; document thickness detection means, disposed upstream of said scan point,

for detecting the thickness of the document to move through said document transport path; and control means for performing a control operation to switch said transport switching means to said first path when the thickness of the document detected by said document thickness detection means is greater than a predetermined threshold value and to switch said transport switching means to said second path when the thickness of the document detected by said document thickness detection means is smaller than said predetermined threshold value.

**Regarding claim 8 and 10,** the prior art searched and of record neither anticipates nor suggests 8. (New) An image reader comprising: a document table having a platen plate which is made from a translucent member and placed in an upper surface of said document table; a document table cover supported at an upper end of said document table in a pivotable manner; a first image sensor provided in said document table; a sensor drive mechanism for actuating said first image sensor in parallel with said platen plate; a document moving mechanism for causing a document to move along a document transport path formed in said document table cover; a second image sensor fixed to said document table cover so as to be situated at a position above said document transport path, wherein a track of the document that moves through said document transport path passes through a scan point, which is a focal point of said first image sensor when said first image sensor is situated at a standby position, wherein a portion of said document transport path, located downstream from said scan point, is divided into a first path and a second path; and

transport switching means, disposed at a location where said document transport path is divided, for switching said track of the document moving through said document transport path between said first and second paths, wherein said first path is formed in parallel or substantially in parallel to said track of said document transport path at a position upstream of said scan point, the document traveling through said first path is directly output externally of said document table cover, and said second path is formed so as to be turned upward so that the document traveling through said second path is directly output externally of said document table cover.

**Regarding claim 9 and 11**, the prior art searched and of record neither anticipates nor suggests an image reader comprising: a document table having a platen plate which is made from a translucent member and placed in an upper surface of said document table; a document table cover supported at an upper end of said document table in a pivotable manner; a first image sensor provided in said document table; a sensor drive mechanism for actuating said first image sensor in parallel with said platen plate; a document moving mechanism for causing a document to move along a document transport path formed in said document table cover; a second image sensor fixed to said document table cover so as to be situated at a position above said document transport path, wherein a track of the document that moves through said document transport path passes through a scan point, which is a focal point of said first image sensor when said first image sensor is situated at a standby position, wherein a

portion of said document transport path, located downstream from said scan point, is divided into a first path and a second path; and transport switching means, disposed at a location where said document transport path is divided, for switching said track of the document moving through said document transport path between said first and second paths, wherein said first path is formed in parallel or substantially in parallel to said track of said document transport path at a position upstream of said scan point, the document traveling through said first path is directly output externally of said document table cover, and said second path is formed so as to be turned upward so that the document traveling through said second path document transport path at a position upstream of said scan point, the document traveling through said first path is directly output extremely of said document table cover, and said second path is formed so as to be turned upward so that the document traveling through said second path is directly output extremely of said document table cover.

Therefore, claims 4-11, are Allowed for the reasons the claimed invention are distinct from the prior art searched and of record neither anticipates nor suggests the claimed invention as amended.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Examiner, Art Unit 2625

/Edward L. Coles/

Supervisory Patent Examiner, Art Unit 2625